

AMENDED IN SENATE APRIL 2, 2002

**SENATE BILL**

**No. 2025**

**Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Johannessen, Machado, Morrow, Murray, O'Connell, and Polanco)**

February 22, 2002

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An act to amend Sections 473, 473.15, 473.6, 805, 805.2, 805.7, 2531, 2920, 2933, 4800, 4804.5, 4990.1, 4990.8, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7810, 7815.5, 8000, 8005, 8028, 8028.2, 8520, 8528, 18602, and 18613 of, to add Sections 2570.25, 2570.26, 2570.27, 2570.28, 2570.29, 2570.30, and 2570.31 to, and to repeal Section 2570.17 of, the Business and Professions Code, relating to professions and vocations, *making an appropriation therefor*, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2025, as amended, Committee on Business and Professions. Professions and vocations.

*(1) Existing law provides for the professional review of specified healing arts licentiates through a peer review process. Existing law provides for a peer review study by the Medical Board of California which is required to contract with the Institute for Medical Quality for the study. The institute is required to submit a written report of its findings and recommendations to the Medical Board of California and to the Legislature by November 1, 2002.*

*This bill would authorize the board to expend \$300,000 from its Contingent Fund for the purpose of implementing the study, thereby making an appropriation. The bill would extend the report due date to November 1, 2003.*

*Under existing law, specified persons are required to file a report, designated as an “805 report,” with the board if a peer review body takes one of several specified actions against a physician and surgeon licensed by that board. Existing law requires the board to establish a pilot program of early detection of potential quality problems and to report its findings on these matters to the Legislature before April 1, 2003.*

*This bill would change this reporting date to April 1, 2004. The bill would exempt participants in this pilot program who comply with program guidelines from these peer review reporting requirements if they have signed an agreement with the board.*

*Existing law requires designated persons to file an 805 report if a licensee resigns, requests a leave of absence, or withdraws or abandons an application to obtain or renew staff privileges or membership after notice of an investigation or impending denial or rejection of the application.*

*This bill would instead require that the 805 report be filed if the licensee takes any of those specified actions after notice of an impending investigation or denial or rejection of the application.*

(2) Existing law provides for the licensure of occupational therapists and the certification of occupational therapy assistants by the California Board of Occupational Therapy. The board is authorized, after a hearing meeting certain requirements, to deny a license or certificate *or to* suspend or revoke the license or certificate of, or place on probation, reprimand, censure, or otherwise discipline, a licensee or certified person.

This bill would delete the provisions authorizing censure or other discipline of a licensee or certified person by the board and would instead specify disciplinary methods and application, define unprofessional conduct, and authorize a holder of a license to petition the board for reinstatement or for modification of a penalty.

(3) *Existing law provides for the certification and regulation of shorthand reporters and for the regulation of shorthand reporting corporations by the Court Reporters Board. Under existing law, shorthand reporting corporations are professional corporations, governed generally under the Moscone-Knox Professional Corporations Act, that render professional services through certified shorthand reporters.*

*Existing law authorizes the board between January 1, 2001, and July 1, 2002, to examine, evaluate, and investigate complaints against*



*shorthand reporting entities, as defined, for the purpose of determining the necessity to register these entities and requires the board to report its findings in this regard to the Legislature on or before July 1, 2002.*

*This bill would extend the board's authorization to examine, investigate, and evaluate complaints to January 1, 2004. The bill would specify that partnerships, unincorporated associations, and limited liability companies are entities for the purpose of qualifying as shorthand reporting entities. The bill would extend the board's reporting deadline to January 1, 2004.*

(4) Existing law provides for the Joint Legislative Sunset Review Committee, which is authorized to act until January 1, 2004. Existing law provides for, within the Board of Consumer Affairs, the existence of (a) the Speech-Language Pathology and Audiology Board, which is repealed January 1, 2005, (b) the Board of Psychology, which is repealed January 1, 2006, (c) the Veterinary Medical Board, which is repealed January 1, 2005, (d) the Board of Behavioral Sciences, which is repealed January 1, 2006, (e) the California Architects Board, which is repealed January 1, 2006, (f) the Board for Professional Engineers and Land Surveyors, which is repealed January 1, 2005, (g) the Board for Geologists and Geophysicists, which is repealed on January 1, 2006, (h) the Court Reporters' Board of California, which is repealed January 1, 2006, (i) the Structural Pest Control Board, which is repealed January 1, 2006, and (j) the State Athletic Commission, which is repealed January 1, 2007. Existing law provides that these boards are subject to the review of the Joint Legislative Sunset Review Committee upon their repeal.

This bill would extend the authorization of the Joint Legislative Sunset Review Committee until January 1, 2012, and would extend the repeal dates for the boards by one year.

(5) The Osteopathic Medical Board of California is required to prepare an analysis and submit a report to the Joint Legislative Sunset Review Committee on or before September 1, 2003.

The bill would extend the date by which the board is required to submit the report to September 1, 2004.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 473 of the Business and Professions Code is amended to read:

473. (a) There is hereby established the Joint Legislative Sunset Review Committee.

(b) The Joint Legislative Sunset Review Committee shall consist of three members appointed by the Senate Committee on Rules and three members appointed by the Speaker of the Assembly. No more than two of the three members appointed from either the Senate or the Assembly shall be from the same party. The Joint Rules Committee shall appoint the chairperson of the committee.

(c) The Joint Legislative Sunset Review Committee shall have and exercise all of the rights, duties, and powers conferred upon investigating committees and their members by the Joint Rules of the Senate and Assembly as they are adopted and amended from time to time, which provisions are incorporated herein and made applicable to this committee and its members.

(d) The Speaker of the Assembly and the Senate Committee on Rules may designate staff for the Joint Legislative Sunset Review Committee.

(e) The Joint Legislative Sunset Review Committee is authorized to act until January 1, 2012, at which time the committee's existence shall terminate.

SEC. 2. Section 473.15 of the Business and Professions Code is amended to read:

473.15. (a) The Joint Legislative Sunset Review Committee established pursuant to Section 473 shall review the following boards established by initiative measures, as provided in this section:

(1) The State Board of Chiropractic Examiners established by an initiative measure approved by electors November 7, 1922.

(2) The Osteopathic Medical Board of California established by an initiative measure approved June 2, 1913, and acts amendatory thereto approved by electors November 7, 1922.

(b) The Osteopathic Medical Board of California shall prepare an analysis and submit a report as described in subdivisions (a) to (e), inclusive, of Section 473.2, to the Joint Legislative Sunset Review Committee on or before September 1, 2004.

1 (c) The State Board of Chiropractic Examiners shall prepare an  
2 analysis and submit a report as described in subdivisions (a) to (e),  
3 inclusive, of Section 473.2, to the Joint Legislative Sunset Review  
4 Committee on or before September 1, 2001.

5 (d) The Joint Legislative Sunset Review Committee shall,  
6 during the interim recess of 2003 for the Osteopathic Medical  
7 Board of California, and during the interim recess of 2001 for the  
8 State Board of Chiropractic Examiners, hold public hearings to  
9 receive testimony from the Director of Consumer Affairs, the  
10 board involved, the public, and the regulated industry. In that  
11 hearing, each board shall be prepared to demonstrate a compelling  
12 public need for the continued existence of the board or regulatory  
13 program, and that its licensing function is the least restrictive  
14 regulation consistent with the public health, safety, and welfare.

15 (e) The Joint Legislative Sunset Review Committee shall  
16 evaluate and make determinations pursuant to Section 473.4 and  
17 shall report its findings and recommendations to the department as  
18 provided in Section 473.5.

19 (f) In the exercise of its inherent power to make investigations  
20 and ascertain facts to formulate public policy and determine the  
21 necessity and expediency of contemplated legislation for the  
22 protection of the public health, safety, and welfare, it is the intent  
23 of the Legislature that the State Board of Chiropractic Examiners  
24 and the Osteopathic Medical Board of California be reviewed  
25 pursuant to this section.

26 (g) It is not the intent of the Legislature in requiring a review  
27 under this section to amend the initiative measures that established  
28 the State Board of Chiropractic Examiners or the Osteopathic  
29 Medical Board of California.

30 SEC. 3. Section 473.6 of the Business and Professions Code  
31 is amended to read:

32 473.6. The chairpersons of the appropriate policy committees  
33 of the Legislature may refer to the Joint Legislative Sunset Review  
34 Committee for review of any legislative issues or proposals to  
35 create new licensure or regulatory categories or create a new  
36 licensing board under the provisions of this code or pursuant to  
37 Chapter 1.5 (commencing with Section 9148) of Part 1 of Division  
38 2 of Title 2 of the Government Code.

39 SEC. 4. *Section 805 of the Business and Professions Code is*  
40 *amended to read:*

1 805. (a) As used in this section, the following terms have the  
2 following definitions:

3 (1) “Peer review body” includes:

4 (A) A medical or professional staff of any health care facility  
5 or clinic licensed under Division 2 (commencing with Section  
6 1200) of the Health and Safety Code or of a facility certified to  
7 participate in the federal Medicare program as an ambulatory  
8 surgical center.

9 (B) A health care service plan registered under Chapter 2.2  
10 (commencing with Section 1340) of Division 2 of the Health and  
11 Safety Code or a disability insurer that contracts with licentiates  
12 to provide services at alternative rates of payment pursuant to  
13 Section 10133 of the Insurance Code.

14 (C) Any medical, psychological, marriage and family therapy,  
15 social work, dental, or podiatric professional society having as  
16 members at least 25 percent of the eligible licentiates in the area  
17 in which it functions (which must include at least one county),  
18 which is not organized for profit and which has been determined  
19 to be exempt from taxes pursuant to Section 23701 of the Revenue  
20 and Taxation Code.

21 (D) A committee organized by any entity consisting of or  
22 employing more than 25 licentiates of the same class that functions  
23 for the purpose of reviewing the quality of professional care  
24 provided by members or employees of that entity.

25 (2) “Licentiate” means a physician and surgeon, podiatrist,  
26 clinical psychologist, marriage and family therapist, clinical social  
27 worker, or dentist. “Licentiate” also includes a person authorized  
28 to practice medicine pursuant to Section 2113.

29 (3) “Agency” means the relevant state licensing agency  
30 having regulatory jurisdiction over the licentiates listed in  
31 paragraph (2).

32 (4) “Staff privileges” means any arrangement under which a  
33 licentiate is allowed to practice in or provide care for patients in  
34 a health facility. Those arrangements shall include, but are not  
35 limited to, full staff privileges, active staff privileges, limited staff  
36 privileges, auxiliary staff privileges, provisional staff privileges,  
37 temporary staff privileges, courtesy staff privileges, locum tenens  
38 arrangements, and contractual arrangements to provide  
39 professional services, including, but not limited to, arrangements  
40 to provide outpatient services.

(5) “Denial or termination of staff privileges, membership, or employment” includes failure or refusal to renew a contract or to renew, extend, or reestablish any staff privileges, if the action is based on medical disciplinary cause or reason.

(6) “Medical disciplinary cause or reason” means that aspect of a licentiate’s competence or professional conduct ~~which~~ *that* is reasonably likely to be detrimental to patient safety or to the delivery of patient care.

(7) “805 report” means the written report required under subdivision (b).

(b) The chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic shall file an 805 report with the relevant agency within 15 days after the effective date of any of the following ~~which take place~~ *that occur* as a result of an action of a peer review body:

(1) A licentiate’s application for staff privileges or membership is denied or rejected for a medical disciplinary cause or reason.

(2) A licentiate’s membership, staff privileges, or employment is terminated or revoked for a medical disciplinary cause or reason.

(3) Restrictions are imposed, or voluntarily accepted, on staff privileges, membership, or employment for a cumulative total of 30 days or more for any 12-month period, for a medical disciplinary cause or reason.

(c) The chief of staff of a medical or professional staff or other chief executive officer, medical director, or administrator of any peer review body and the chief executive officer or administrator of any licensed health care facility or clinic shall file an 805 report with the relevant agency within 15 days after any of the following ~~takes place~~ *occur* after notice of either an *impending* investigation or the ~~impending~~ denial or rejection of the application for a medical disciplinary cause or reason:

(1) Resignation or leave of absence from membership, staff, or employment.

(2) The withdrawal or abandonment of a licentiate’s application for staff privileges or membership.

(3) The request for renewal of those privileges or membership is withdrawn or abandoned.



1 (d) For purposes of filing an 805 report, the signature of at least  
2 one of the individuals indicated in subdivision (b) or (c) on the  
3 completed form shall constitute compliance with the requirement  
4 to file the report.

5 (e) An 805 report shall also be filed within 15 days following  
6 the imposition of summary suspension of staff privileges,  
7 membership, or employment, if the summary suspension remains  
8 in effect for a period in excess of 14 days.

9 (f) A copy of the 805 report, and a notice advising the licentiate  
10 of his or her right to submit additional statements or other  
11 information pursuant to Section 800, shall be sent by the peer  
12 review body to the licentiate named in the report.

13 The information to be reported in an 805 report shall include the  
14 name and license number of the licentiate involved, a description  
15 of the facts and circumstances of the medical disciplinary cause or  
16 reason, and any other relevant information deemed appropriate by  
17 the reporter.

18 A supplemental report shall also be made within 30 days  
19 following the date the licentiate is deemed to have satisfied any  
20 terms, conditions, or sanctions imposed as disciplinary action by  
21 the reporting peer review body. In performing its dissemination  
22 functions required by Section 805.5, the agency shall include a  
23 copy of a supplemental report, if any, whenever it furnishes a copy  
24 of the original 805 report.

25 If another peer review body is required to file an 805 report, a  
26 health care service plan is not required to file a separate report with  
27 respect to action attributable to the same medical disciplinary  
28 cause or reason. If the Medical Board of California or a licensing  
29 agency of another state revokes or suspends, without a stay, the  
30 license of a physician, a peer review body is not required to file an  
31 805 report when it takes an action as a result of the revocation or  
32 suspension.

33 (g) The reporting required ~~herein~~ *by this section* shall not act  
34 as a waiver of confidentiality of medical records and committee  
35 reports. The information reported or disclosed shall be kept  
36 confidential except as provided in subdivision (c) of Section 800  
37 and Sections 803.1 and 2027, provided that a copy of the report  
38 containing the information required by this section may be  
39 disclosed as required by Section 805.5 with respect to reports  
40 received on or after January 1, 1976.



1 (h) The Medical Board of California, the Osteopathic Medical  
2 Board of California, and the Dental Board of California shall  
3 disclose reports as required by Section 805.5.

4 (i) An 805 report shall be maintained by an agency for  
5 dissemination purposes for a period of three years after receipt.

6 (j) No person shall incur any civil or criminal liability as the  
7 result of making any report required by this section.

8 (k) A willful failure to file an 805 report by any person who is  
9 designated or otherwise required by law to file an 805 report is  
10 punishable by a fine not to exceed one hundred thousand dollars  
11 (\$100,000) per violation. The fine may be imposed in any civil or  
12 administrative action or proceeding brought by or on behalf of any  
13 agency having regulatory jurisdiction over the person regarding  
14 whom the report was or should have been filed. If the person who  
15 is designated or otherwise required to file an 805 report is a  
16 licensed physician and surgeon, the action or proceeding shall be  
17 brought by the Medical Board of California. The fine shall be paid  
18 to that agency but not expended until appropriated by the  
19 Legislature. A violation of this subdivision may constitute  
20 unprofessional conduct by the licensee. A person who is alleged  
21 to have violated this subdivision may assert any defense available  
22 at law. As used in this subdivision, “willful” means a voluntary  
23 and intentional violation of a known legal duty.

24 (l) Except as otherwise provided in subdivision (k), any failure  
25 by the administrator of any peer review body, the chief executive  
26 officer or administrator of any health care facility, or any person  
27 who is designated or otherwise required by law to file an 805  
28 report, shall be punishable by a fine that under no circumstances  
29 shall exceed fifty thousand dollars (\$50,000) per violation. The  
30 fine may be imposed in any civil or administrative action or  
31 proceeding brought by or on behalf of any agency having  
32 regulatory jurisdiction over the person regarding whom the report  
33 was or should have been filed. If the person who is designated or  
34 otherwise required to file an 805 report is a licensed physician and  
35 surgeon, the action or proceeding shall be brought by the Medical  
36 Board of California. The fine shall be paid to that agency but not  
37 expended until appropriated by the Legislature. The amount of the  
38 fine imposed, not exceeding fifty thousand dollars (\$50,000) per  
39 violation, shall be proportional to the severity of the failure to  
40 report and shall differ based upon written findings, including

1 whether the failure to file caused harm to a patient or created a risk  
2 to patient safety; whether the administrator of any peer review  
3 body, the chief executive officer or administrator of any health  
4 care facility, or any person who is designated or otherwise required  
5 by law to file an 805 report exercised due diligence despite the  
6 failure to file or whether they knew or should have known that an  
7 805 report would not be filed; and whether there has been a prior  
8 failure to file an 805 report. The amount of *the* fine imposed may  
9 also differ based on whether a health care facility is a small or rural  
10 hospital as defined in Section 124840 of the Health and Safety  
11 Code.

12 (m) A health care service plan registered under Chapter 2.2  
13 (commencing with Section 1340) of Division 2 of the Health and  
14 Safety Code or a disability insurer that negotiates and enters into  
15 a contract with licentiates to provide services at alternative rates  
16 of payment pursuant to Section 10133 of the Insurance Code,  
17 when determining participation with the plan or insurer, shall  
18 evaluate, on a case-by-case basis, licentiates who are the subject  
19 of an 805 report, and not automatically exclude or deselect these  
20 licentiates.

21 *SEC. 5. Section 805.2 of the Business and Professions Code*  
22 *is amended to read:*

23 805.2. (a) It is the intent of the Legislature to provide for a  
24 comprehensive study of the peer review process as it is conducted  
25 by peer review bodies defined in paragraph (1) of subdivision (a)  
26 of Section 805, in order to evaluate the continuing validity of  
27 Section 805 and Sections 809 to 809.8, inclusive, and their  
28 relevance to the conduct of peer review in California. The Medical  
29 Board of California shall contract with the Institute for Medical  
30 Quality to conduct this study, which shall include, but not be  
31 limited to, the following components:

32 (1) A comprehensive description of the various steps of and  
33 decisionmakers in the peer review process as it is conducted by  
34 peer review bodies throughout the state, including the role of other  
35 related committees of acute care health facilities and clinics  
36 involved in the peer review process.

37 (2) A survey of peer review cases to determine the incidence of  
38 peer review by peer review bodies, and whether they are  
39 complying with the reporting requirement in Section 805.



(3) A description and evaluation of the roles and performance of various state agencies, including the State Department of Health Services and occupational licensing agencies that regulate healing arts professionals, in receiving, reviewing, investigating, and disclosing peer review actions, and in sanctioning peer review bodies for failure to comply with Section 805.

(4) An assessment of the cost of peer review to licentiates and the facilities which employ them.

(5) An assessment of the time consumed by the average peer review proceeding, including the hearing provided pursuant to Section 809.2, and a description of any difficulties encountered by either licentiates or facilities in assembling peer review bodies or panels to participate in peer review decisionmaking.

(6) An assessment of the need to amend Section 805 and Sections 809 to 809.8, inclusive, to ensure that they continue to be relevant to the actual conduct of peer review as described in paragraph (1), and to evaluate whether the current reporting requirement is yielding timely and accurate information to aid licensing boards in their responsibility to regulate and discipline healing arts practitioners when necessary, and to assure that peer review bodies function in the best interest of patient care.

(7) Recommendations of additional mechanisms to stimulate the appropriate reporting of peer review actions under Section 805.

(8) Recommendations regarding the Section 809 hearing process to improve its overall effectiveness and efficiency.

(b) The Institute of Medical Quality shall exercise no authority over the peer review processes of peer review bodies. However, peer review bodies, health care facilities, health care clinics, and health care service plans shall cooperate with the institute and provide data, information, and case files as requested in the timeframes specified by the institute.

(c) The institute shall work in cooperation with and under the general oversight of the Medical Director of the Medical Board of California and shall submit a written report with its findings and recommendations to the board and the Legislature no later than November 1, ~~2002~~ 2003.

(d) *The board is authorized to expend the sum of three hundred thousand dollars (\$300,000) from the Contingent Fund of the*

1 *Medical Board of California for the purpose of implementing this*  
2 *section.*

3 *SEC. 6. Section 805.7 of the Business and Professions Code*  
4 *is amended to read:*

5 805.7. (a) The Medical Board of California shall work with  
6 interested parties in the pursuit and establishment of a pilot  
7 program, similar to those proposed by the Citizens Advocacy  
8 Center, of early detection of potential quality problems and  
9 resolutions through informal educational interventions.

10 (b) *During participation in the pilot program, a participant*  
11 *may be exempted from the reporting requirements of Section 805*  
12 *in accordance with the pilot program guidelines established by the*  
13 *Division of Medical Quality, if the participant has signed an*  
14 *agreement with the Medical Board of California.*

15 (c) The Medical Board of California shall report to the  
16 Legislature its evaluation and findings and shall include  
17 recommendations regarding the statewide implementation of this  
18 pilot program before April 1, 2003 2004.

19 *SEC. 7. Section 2531 of the Business and Professions Code is*  
20 *amended to read:*

21 2531. There is hereby created a Speech-Language Pathology  
22 and Audiology Board under the jurisdiction of the Medical Board  
23 of California. The Speech-Language Pathology and Audiology  
24 Board shall consist of nine members, three of whom shall be public  
25 members. The Speech-Language Pathology and Audiology Board  
26 shall enforce and administer this chapter.

27 This section shall become inoperative on July 1, 2005, and, as  
28 of January 1, 2006, is repealed, unless a later enacted statute, that  
29 becomes effective on or before January 1, 2006, deletes or extends  
30 the inoperative and repeal dates.

31 ~~SEC. 5.~~

32 *SEC. 8. Section 2570.17 of the Business and Professions*  
33 *Code is repealed.*

34 ~~SEC. 6.~~

35 *SEC. 9. Section 2570.25 is added to the Business and*  
36 *Professions Code, to read:*

37 2570.25. (a) The board may, after a hearing, deny, suspend,  
38 revoke, or place on probation, a license, certificate, inactive  
39 license, inactive certificate, or limited permit.



(b) As used in this chapter, “license” includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

(c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

~~SEC. 7.~~

*SEC. 10.* Section 2570.26 is added to the Business and Professions Code, to read:

2570.26. (a) The board may discipline a licensee by any or a combination of the following methods:

(1) Placing the license on probation with terms and conditions.

(2) Suspending the license and the right to practice occupational therapy for a period not to exceed one year.

(3) Revoking the license.

(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

(5) Taking other action as the board, in its discretion, deems proper.

(b) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure.

~~SEC. 8.~~

*SEC. 11.* Section 2570.27 is added to the Business and Professions Code, to read:

2570.27. The board may deny or discipline a licensee for any of the following:

(a) Unprofessional conduct, including, but not limited to, the following:

(1) Incompetence or gross negligence in carrying out usual occupational therapy functions.

(2) Repeated similar negligent acts in carrying out usual occupational therapy functions.

(3) A conviction of practicing medicine without a license in violation of Chapter 5 (commencing with Section 2000), in which event a certified copy of the record of conviction shall be conclusive evidence thereof.

1 (4) The use of advertising relating to occupational therapy  
2 which violates Section 17500.

3 (5) Denial of licensure, revocation, suspension, restriction, or  
4 any other disciplinary action against a licensee by another state or  
5 territory of the United States, by any other government agency, or  
6 by another California health care professional licensing board. A  
7 certified copy of the decision, order or judgment shall be  
8 conclusive evidence thereof.

9 (b) Procuring a license by fraud, misrepresentation, or mistake.

10 (c) Violating or attempting to violate, directly or indirectly, or  
11 assisting in or abetting the violation of, or conspiring to violate,  
12 any provision or term of this chapter or any regulation adopted  
13 pursuant to the chapter.

14 (d) Making or giving any false statement or information in  
15 connection with the application for issuance or renewal of a  
16 license.

17 (e) Conviction of a crime or of any offense substantially related  
18 to the qualifications, functions, or duties of a licensee, in which  
19 event the record of the conviction shall be conclusive evidence  
20 thereof.

21 (f) Impersonating an applicant or acting as proxy for an  
22 applicant in any examination required under this chapter for the  
23 issuance of a license.

24 (g) Impersonating a licensed practitioner, or permitting or  
25 allowing another unlicensed person to use a license.

26 (h) Committing any fraudulent, dishonest, or corrupt act that is  
27 substantially related to the qualifications, functions, or duties of a  
28 licensee.

29 (i) Committing any act punishable as a sexually related crime,  
30 if that act is substantially related to the qualifications, functions,  
31 or duties of a licensee, in which event a certified copy of the record  
32 of conviction shall be conclusive evidence thereof.

33 (j) Using excessive force upon or mistreating or abusing any  
34 patient. For the purposes of this subdivision, “excessive force”  
35 means force clearly in excess of that which would normally be  
36 applied in similar clinical circumstances.

37 (k) Falsifying or making grossly incorrect, grossly  
38 inconsistent, or unintelligible entries in a patient or hospital record  
39 or any other record.



1 (l) Changing the prescription of a physician and surgeon or  
2 falsifying verbal or written orders for treatment or a diagnostic  
3 regime received, whether or not that action resulted in actual  
4 patient harm.

5 (m) Failing to maintain confidentiality of patient medical  
6 information, except as disclosure is otherwise permitted or  
7 required by law.

8 (n) Delegating to an unlicensed employee or person a service  
9 that requires the knowledge, skills, abilities, or judgement of a  
10 licensee.

11 (o) Committing any act that would be grounds for denial of a  
12 license under Section 480.

13 (p) Except for good cause, the knowing failure to protect  
14 patients by failing to follow infection control guidelines of the  
15 board, thereby risking transmission of blood-borne infectious  
16 diseases from licensee to patient, from patient to patient, or from  
17 patient to licensee.

18 (1) In administering this subdivision, the board shall consider  
19 referencing the standards, regulations, and guidelines of the State  
20 Department of Health Services developed pursuant to Section  
21 1250.11 of the Health and Safety Code and the standards,  
22 guidelines, and regulations pursuant to the California  
23 Occupational Safety and Health Act of 1973 (Part 1 (commencing  
24 with Section 63001) of Division 5 of the Labor Code) for  
25 preventing the transmission of HIV, hepatitis B, and other  
26 blood-borne pathogens in health care settings. As necessary to  
27 encourage appropriate consistency in the implementation of this  
28 subdivision, the board shall consult with the Medical Board of  
29 California, the Board of Podiatric Medicine, the Dental Board of  
30 California, the Board of Registered Nursing, and the Board of  
31 Vocational Nursing and Psychiatric Technicians.

32 (2) The board shall seek to ensure that licensees are informed  
33 of their responsibility to minimize the risk of transmission of  
34 blood-borne infectious diseases from health care provider to  
35 patient, from patient to patient, and from patient to health care  
36 provider, and are informed of the most recent scientifically  
37 recognized safeguards for minimizing the risks of transmission.

38 ~~SEC. 9.~~

39 *SEC. 12.* Section 2570.28 is added to the Business and  
40 Professions Code, to read:



1 2570.28. In addition to other acts constituting unprofessional  
2 conduct within the meaning of this chapter, it is unprofessional  
3 conduct for a person licensed under this chapter to do any of the  
4 following:

5 (a) Obtain or possess in violation of law, or prescribe, or, except  
6 as directed by a licensed physician and surgeon, dentist, or  
7 podiatrist, to administer to himself or herself, or furnish or  
8 administer to another, any controlled substance as defined in  
9 Division 10 (commencing with Section 11000) of the Health and  
10 Safety Code or any dangerous drug or dangerous device as defined  
11 in Section 4022.

12 (b) Use to an extent or in a manner dangerous or injurious to  
13 himself or herself, to any other person, or to the public, or that  
14 impairs his or her ability to conduct with safety to the public the  
15 practice authorized by his or her license, of any of the following:

16 (1) A controlled substance as defined in Division 10  
17 (commencing with Section 11000) of the Health and Safety Code.

18 (2) A dangerous drug or dangerous device as defined in Section  
19 4022.

20 (3) Alcoholic beverages.

21 (c) Be convicted of a criminal offense involving the  
22 prescription, consumption, or self-administration of any of the  
23 substances described in subdivisions (a) and (b) of this section, or  
24 the possession of, or falsification of a record pertaining to, the  
25 substances described in subdivision (a) of this section, in which  
26 event the record of the conviction is conclusive evidence thereof.

27 (d) Be committed or confined by a court of competent  
28 jurisdiction for intemperate use of any of the substances described  
29 in subdivisions (a) and (b) of this section, in which event the court  
30 order of commitment or confinement is prima facie evidence of the  
31 commitment or confinement.

32 (e) Falsify, or make grossly incorrect, grossly inconsistent, or  
33 unintelligible entries in any hospital or patient record, or any other  
34 record, pertaining to the substances described in subdivision (a) of  
35 this section.

36 ~~SEC. 10.~~

37 *SEC. 13.* Section 2570.29 is added to the Business and  
38 Professions Code, to read:

39 2570.29. The board shall retain jurisdiction to proceed with  
40 any investigation, action or disciplinary proceeding against a

1 license, or to render a decision suspending or revoking a license,  
2 regardless of the expiration, lapse, or suspension of the license by  
3 operation of law, by order or decision of the board or a court of law,  
4 or by the voluntary surrender of a license by the licensee.

5 ~~SEC. 11.~~

6 *SEC. 14.* Section 2570.30 is added to the Business and  
7 Professions Code, to read:

8 2570.30. If a license is suspended, the holder may not practice  
9 occupational therapy during the term of suspension. Upon the  
10 expiration of the term of suspension, the license shall be reinstated  
11 and the holder entitled to resume practice under any remaining  
12 terms of the discipline, unless it is established to the satisfaction  
13 of the board that the holder of the license practiced in this state  
14 during the term of suspension. In this event, the board may, after  
15 a hearing on this issue alone, revoke the license.

16 ~~SEC. 12.~~

17 *SEC. 15.* Section 2570.31 is added to the Business and  
18 Professions Code, to read:

19 2570.31. (a) A holder of a license that has been revoked,  
20 suspended, or placed on probation, may petition the board for  
21 reinstatement or modification of a penalty, including reduction or  
22 termination of probation, after a period not less than the applicable  
23 following minimum period has elapsed from either the effective  
24 date of the decision ordering that disciplinary action, or, if the  
25 order of the board or any portion of it was stayed, from the date the  
26 disciplinary action was actually implemented in its entirety. The  
27 minimum periods that shall elapse prior to a petition are as follows:

28 (1) For a license that was revoked for any reason other than  
29 mental or physical illness, at least three years.

30 (2) For early termination of probation scheduled for three or  
31 more years, at least two years.

32 (3) For modification of a penalty, reinstatement of a license  
33 revoked for mental or physical illness, or termination of probation  
34 scheduled for less than three years, at least one year.

35 (4) The board may, in its discretion, specify in its disciplinary  
36 order a lesser period of time, provided that the period shall not be  
37 less than one year.

38 (b) The petition submitted shall contain any information  
39 required by the board, which may include a current set of  
40 fingerprints accompanied by the fingerprinting fee.

(c) The board shall give notice to the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and an opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(d) The board itself shall hear the petition and the administrative law judge shall prepare a written decision setting forth the reasons supporting the decision.

(e) The board may grant or deny the petition, or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction of penalty.

(f) The board may refuse to consider a petition while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code.

(g) No petition shall be considered while there is an accusation or petition to revoke probation pending against the petitioner.

~~SEC. 13.~~

*SEC. 16.* Section 2920 of the Business and Professions Code is amended to read:

2920. The Board of Psychology shall enforce and administer this chapter. The board shall consist of nine members, four of whom shall be public members.

This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute, which becomes effective on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 14.~~

*SEC. 17.* Section 2933 of the Business and Professions Code is amended to read:

2933. Except as provided by Section 159.5, the board shall employ and shall make available to the board within the limits of the funds received by the board all personnel necessary to carry out this chapter. The board may employ, exempt from the State Civil Service Act, an executive officer to the Board of Psychology. The board shall make all expenditures to carry out this chapter. The

1 board may accept contributions to effectuate the purposes of this  
2 chapter.

3 This section shall become inoperative on July 1, 2006, and, as  
4 of January 1, 2007, is repealed, unless a later enacted statute,  
5 which becomes effective on or before January 1, 2007, deletes or  
6 extends the dates on which it becomes inoperative and is repealed.

7 ~~SEC. 15.~~

8 *SEC. 18.* Section 4800 of the Business and Professions Code  
9 is amended to read:

10 4800. There is in the Department of Consumer Affairs a  
11 Veterinary Medical Board in which the administration of this  
12 chapter is vested. The board consists of seven members, three of  
13 whom shall be public members.

14 This section shall become inoperative on July 1, 2005, and, as  
15 of January 1, 2006, is repealed, unless a later enacted statute,  
16 which becomes effective on or before January 1, 2006, deletes or  
17 extends the dates on which it becomes inoperative and is repealed.

18 The repeal of this section renders the board subject to the review  
19 provided for by Division 1.2 (commencing with Section 473).

20 ~~SEC. 16.~~

21 *SEC. 19.* Section 4804.5 of the Business and Professions  
22 Code is amended to read:

23 4804.5. The board may appoint a person exempt from civil  
24 service who shall be designated as an executive officer and who  
25 shall exercise the powers and perform the duties delegated by the  
26 board and vested in him or her by this chapter.

27 This section shall become inoperative on July 1, 2005, and, as  
28 of January 1, 2006, is repealed, unless a later enacted statute,  
29 which becomes effective on or before January 1, 2006, deletes or  
30 extends the dates on which it becomes inoperative and is repealed.

31 ~~SEC. 17.~~

32 *SEC. 20.* Section 4990.1 of the Business and Professions  
33 Code is amended to read:

34 4990.1. There is in the Department of Consumer Affairs a  
35 Board of Behavioral Sciences which consists of 11 members.

36 This section shall become inoperative on July 1, 2006, and, as  
37 of January 1, 2007, is repealed, unless a later enacted statute,  
38 which becomes effective on or before January 1, 2007, deletes or  
39 extends the dates on which it becomes inoperative and is repealed.

40 ~~SEC. 18.~~

1     *SEC. 21.* Section 4990.8 of the Business and Professions  
2 Code is amended to read:

3     4990.8. The executive officer shall exercise the powers and  
4 perform the duties delegated by the board and vested in him or her  
5 by this chapter.

6     This section shall become inoperative on July 1, 2006, and, as  
7 of January 1, 2007, is repealed, unless a later enacted statute,  
8 which becomes effective on or before January 1, 2007, deletes or  
9 extends the dates on which it becomes inoperative and is repealed.

10   ~~*SEC. 19.*~~

11   *SEC. 22.* Section 5510 of the Business and Professions Code  
12 is amended to read:

13   5510. There is in the Department of Consumer Affairs a  
14 California Architects Board which consists of 10 members.

15   Any reference in law to the California Board of Architectural  
16 Examiners shall mean the California Architects Board.

17   This section shall become inoperative on July 1, 2005, and, as  
18 of January 1, 2006, is repealed, unless a later enacted statute,  
19 which becomes effective on or before January 1, 2006, deletes or  
20 extends the dates on which it becomes inoperative and is repealed.  
21 The repeal of this section renders the board subject to the review  
22 required by Division 1.2 (commencing with Section 473).

23   ~~*SEC. 20.*~~

24   *SEC. 23.* Section 5517 of the Business and Professions Code  
25 is amended to read:

26   5517. The board may appoint a person exempt from civil  
27 service who shall be designated as an executive officer and who  
28 shall exercise the powers and perform the duties delegated by the  
29 board and vested in him or her by this chapter.

30   This section shall become inoperative on July 1, 2005, and, as  
31 of January 1, 2006, is repealed, unless a later enacted statute,  
32 which becomes effective on or before January 1, 2006, deletes or  
33 extends the dates on which it becomes inoperative and is repealed.

34   ~~*SEC. 21.*~~

35   *SEC. 24.* Section 5620 of the Business and Professions Code  
36 is amended to read:

37   5620. The duties, powers, purposes, responsibilities, and  
38 jurisdiction of the California State Board of Landscape Architects  
39 that were succeeded to and vested with the Department of  
40 Consumer Affairs in accordance with Chapter 908 of the Statutes

of 1994 are hereby transferred to the California Architects Board. The Legislature finds that the purpose for the transfer of power is to promote and enhance the efficiency of state government and that assumption of the powers and duties by the California Architects Board shall not be viewed or construed as a precedent for the establishment of state regulation over a profession or vocation that was not previously regulated by a board, as defined in Section 477.

(a) There is in the Department of Consumer Affairs a California Architects Board as defined in Article 2 (commencing with Section 5510) of Chapter 3.

Whenever in this chapter “board” is used it refers to the California Architects Board.

(b) Except as provided herein, the board may delegate its authority under this chapter to the Landscape Architect Technical Committee.

(c) After review of proposed regulations, the board may direct the examining committee to notice and conduct hearings to adopt, amend, or repeal regulations pursuant to Section 5630, provided that the board itself shall take final action to adopt, amend, or repeal those regulations.

(d) The board shall not delegate its authority to discipline a landscape architect or to take action against a person who has violated this chapter.

(e) This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the ~~date~~ *dates* on which it becomes inoperative and is repealed.

~~SEC. 22.~~

*SEC. 25.* Section 5621 of the Business and Professions Code is amended to read:

5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.

(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.

(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of his or her successor or until one year shall have elapsed whichever first occurs. Vacancies shall be filled for the unexpired term.

(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.

(e) This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 23.~~

*SEC. 26.* Section 5622 of the Business and Professions Code is amended to read:

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

(c) The landscape architects committee may perform ~~such~~ duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

(e) This section shall become inoperative on July 1, 2005, and, as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the ~~date~~ *dates* on which it becomes inoperative and is repealed.

~~SEC. 24.~~

*SEC. 27.* Section 6710 of the Business and Professions Code is amended to read:



1 6710. (a) There is in the Department of Consumer Affairs a  
2 Board for Professional Engineers and Land Surveyors, which  
3 consists of 13 members.

4 (b) Any reference in any law or regulation to the Board of  
5 Registration for Professional Engineers and Land Surveyors is  
6 deemed to refer to the Board for Professional Engineers and Land  
7 Surveyors.

8 (c) This section shall become inoperative on July 1, 2005, and,  
9 as of January 1, 2006, is repealed, unless a later enacted statute,  
10 that becomes effective on or before January 1, 2006, deletes or  
11 extends the dates on which it becomes inoperative and is repealed.  
12 The repeal of this section renders the board subject to the review  
13 required by Division 1.2 (commencing with Section 473).  
14 However, the review of the board shall be limited to only those  
15 unresolved issues identified by the Joint Legislative Sunset  
16 Review Committee.

17 ~~SEC. 25.~~

18 *SEC. 28.* Section 6714 of the Business and Professions Code  
19 is amended to read:

20 6714. The board shall appoint an executive officer at a salary  
21 to be fixed and determined by the board with the approval of the  
22 Director of Finance.

23 This section shall become inoperative on July 1, 2005, and, as  
24 of January 1, 2006, is repealed, unless a later enacted statute, that  
25 becomes effective on or before January 1, 2006, deletes or extends  
26 the dates on which it becomes inoperative and is repealed.

27 ~~SEC. 26.~~

28 *SEC. 29.* Section 7810 of the Business and Professions Code  
29 is amended to read:

30 7810. The Board for Geologists and Geophysicists is within  
31 the department and is subject to the jurisdiction of the department.  
32 Except as provided in this section, the board shall consist of eight  
33 members, five of whom shall be public members, two of whom  
34 shall be geologists, and one of whom shall be a geophysicist.

35 Each member shall hold office until the appointment and  
36 qualification of the member's successor or until one year has  
37 elapsed from the expiration of the term for which the member was  
38 appointed, whichever occurs first. Vacancies occurring prior to the  
39 expiration of the term shall be filled by appointment for the  
40 remainder of the unexpired term.

1 Each appointment shall be for a four-year term expiring June 1  
2 of the fourth year following the year in which the previous term  
3 expired. No person shall serve as a member of the board for more  
4 than two consecutive terms.

5 The Governor shall appoint three of the public members and the  
6 three members qualified as provided in Section 7811. The Senate  
7 Committee on Rules and the Speaker of the Assembly shall each  
8 appoint a public member, and their initial appointment shall be  
9 made to fill, respectively, the first and second public member  
10 vacancies that occurred on or after January 1, 1983.

11 At the time the first vacancy is created by the expiration of the  
12 term of a public member appointed by the Governor, the board  
13 shall be reduced to consist of seven members, four of whom shall  
14 be public members, two of whom shall be geologists, and one of  
15 whom shall be a geophysicist. Notwithstanding any other  
16 provision of law, the term of that member shall not be extended for  
17 any reason, except as provided in this section.

18 This section shall become inoperative on July 1, 2006, and, as  
19 of January 1, 2007, is repealed, unless a later enacted statute, that  
20 becomes operative on or before January 1, 2007, deletes or extends  
21 the dates on which it becomes inoperative and is repealed. The  
22 repeal of this section renders the board subject to the review  
23 required by Division 1.2 (commencing with Section 473).

24 ~~SEC. 27.~~

25 *SEC. 30.* Section 7815.5 of the Business and Professions  
26 Code is amended to read:

27 7815.5. The board may appoint a person exempt from civil  
28 service who shall be designated as an executive officer and who  
29 shall exercise the powers and perform the duties delegated by the  
30 board and vested in him or her by this chapter.

31 This section shall become inoperative on July 1, 2006, and, as  
32 of January 1, 2007, is repealed, unless a later enacted statute,  
33 which becomes effective on or before January 1, 2007, deletes or  
34 extends the dates on which it becomes inoperative and is repealed.

35 ~~SEC. 28.~~

36 *SEC. 31.* Section 8000 of the Business and Professions Code  
37 is amended to read:

38 8000. There is in the Department of Consumer Affairs a Court  
39 Reporters Board of California, which consists of five members,  
40 three of whom shall be public members and two of whom shall be

1 holders of certificates issued under this chapter who have been  
2 actively engaged as shorthand reporters within this state for at least  
3 five years immediately preceding their appointment.

4 This section shall become inoperative on July 1, 2006, and, as  
5 of January 1, 2007, is repealed, unless a later enacted statute,  
6 which becomes effective on or before January 1, 2007, deletes or  
7 extends the dates on which it becomes inoperative and is repealed.  
8 The repeal of this section renders the board subject to the review  
9 required by Division 1.2 (commencing with Section 473), except  
10 that the review shall be limited to only those unresolved issues  
11 identified by the Joint Legislative Sunset Review Committee.

12 ~~SEC. 29.~~

13 *SEC. 32.* Section 8005 of the Business and Professions Code  
14 is amended to read:

15 8005. The Court Reporters Board of California is charged  
16 with the executive functions necessary for effectuating the  
17 purposes of this chapter. It may appoint committees as it deems  
18 necessary or proper. The board may appoint, prescribe the duties,  
19 and fix the salary of an executive officer. Except as provided by  
20 Section 159.5, the board may also employ other employees as may  
21 be necessary, subject to civil service and other provisions of law.

22 This section shall become inoperative on July 1, 2006, and, as  
23 of January 1, 2007, is repealed, unless a later enacted statute,  
24 which becomes effective on or before January 1, 2007, deletes or  
25 extends the dates on which it becomes inoperative and is repealed.

26 The repeal of this section renders the board subject to the review  
27 required by Division 1.2 (commencing with Section 473), except  
28 that the review shall be limited to the board's examination  
29 program.

30 ~~SEC. 30.~~

31 *SEC. 33.* Section 8028 of the Business and Professions Code  
32 is amended to read:

33 8028. (a) For the purposes of determining the necessity for  
34 the board to register shorthand reporting entities and subject those  
35 entities to its discipline and oversight, the board shall, ~~until July 1,~~  
36 ~~2002 January 1, 2004,~~ be authorized to examine, evaluate, and  
37 investigate complaints against shorthand reporting entities.  
38 Nothing in this subdivision shall be construed to grant the board  
39 any authority to discipline or sanction shorthand reporting entities  
40 that is not otherwise permitted by law.

(b) For purposes of this article, a “shorthand reporting entity” is an entity or person, *including partnerships, unincorporated associations, and limited liability companies*, that holds itself out as a deposition agency, offers a booking or billing service for certified shorthand reporters, or in any manner whatsoever acts as an intermediary for a person, entity, or organization that employs, hires, or engages the services of any person licensed as a certified shorthand reporter. This article does not apply to any department or agency of the state that employs hearing reporters.

(c) The board may examine, evaluate, and investigate complaints pursuant to subdivision (a) beginning January 1, 2001, and continuing until no later than ~~July 1, 2002~~ *January 1, 2004*.

*SEC. 34. Section 8028.2 of the Business and Professions Code is amended to read:*

8028.2. Based on the information gathered pursuant to Section 8028, the board shall, on or before ~~July 1, 2002~~ *January 1, 2004*, submit a report to the Legislature, including recommendations on the necessity for the board to register shorthand reporting entities, *as defined in subdivision (b) of Section 8028*. If the report recommends the registration of shorthand reporting entities, the report shall include:

(a) A description of the problem that establishing the new registration requirement would address, including the specific evidence of the necessity for the state to address the problem.

(b) The reasons this proposed registration requirement was selected to address this problem, including the full range of alternatives considered and the reason each of these other alternatives was not selected.

(c) The specific public benefit or harm that would result from the establishment of the proposed registration requirements, the specific manner in which the registration requirements would achieve this public benefit, and the specific standards of performance that shall be used in reviewing the subsequent operation of the shorthand reporting entities.

(d) The specific source or sources of revenue and funding the board will utilize to regulate the newly registered entities in order to achieve its mandate.

*SEC. 35. Section 8520 of the Business and Professions Code is amended to read:*

1 8520. (a) There is in the Department of Consumer Affairs a  
2 Structural Pest Control Board, which consists of seven members.

3 (b) Subject to the jurisdiction conferred upon the director by  
4 Division 1 (commencing with Section 100) of this code, the board  
5 is vested with the power to and shall administer the provisions of  
6 this chapter.

7 (c) It is the intent of the Legislature that consumer protection  
8 is the primary mission of the board.

9 (d) This section shall become inoperative on July 1, 2006, and,  
10 as of January 1, 2007, is repealed, unless a later enacted statute,  
11 which becomes effective on or before January 1, 2007, deletes or  
12 extends the dates on which it becomes inoperative and is repealed.  
13 The repeal of this section renders the board subject to the review  
14 required by Division 1.2 (commencing with Section 473).

15 ~~SEC. 31.~~

16 *SEC. 36.* Section 8528 of the Business and Professions Code  
17 is amended to read:

18 8528. With the approval of the director, the board shall  
19 appoint a registrar, fix his or her compensation and prescribe his  
20 or her duties.

21 The registrar is the executive officer and secretary of the board.

22 This section shall become inoperative on July 1, 2006, and, as  
23 of January 1, 2007, is repealed, unless a later enacted statute,  
24 which becomes effective on or before January 1, 2007, deletes or  
25 extends the dates on which it becomes inoperative and is repealed.

26 ~~SEC. 32.~~

27 *SEC. 37.* Section 18602 of the Business and Professions Code  
28 is amended to read:

29 18602. Except as provided in this section, there is in the  
30 Department of Consumer Affairs the State Athletic Commission,  
31 which consists of eight members. Six members shall be appointed  
32 by the Governor, one member shall be appointed by the Senate  
33 Rules Committee, and one member shall be appointed by the  
34 Speaker of the Assembly.

35 The members of the commission appointed by the Governor are  
36 subject to confirmation by the Senate pursuant to Section 1322 of  
37 the Government Code.

38 No person who is licensed under this chapter as a promoter,  
39 manager, or judge may be appointed or reappointed to, or serve on,  
40 the commission.

1 Upon the first expiration of the term of a member appointed by  
2 the Governor, the commission shall be reduced to seven members.  
3 Notwithstanding any provision of law, the term of that member  
4 shall not be extended for any reason.

5 This section shall become inoperative on July 1, 2006, and as of  
6 January 1, 2007, is repealed, unless a later enacted statute, which  
7 becomes operative on or before January 1, 2007, deletes or extends  
8 the dates on which it becomes inoperative and is repealed. The  
9 repeal of this section renders the commission subject to the review  
10 required by Division 1.2 (commencing with Section 473).

11 ~~SEC. 33.~~

12 SEC. 38. Section 18613 of the Business and Professions Code  
13 is amended to read:

14 18613. The commission shall appoint an executive officer and  
15 fix his or her compensation. The executive officer shall carry out  
16 the duties prescribed by this chapter and additional duties as may  
17 be delegated by the commission. The commission may employ in  
18 accordance with Section 154 other personnel as may be necessary  
19 for the administration of this chapter.

20 This section shall become inoperative on July 1, 2006, and, as  
21 of January 1, 2007, is repealed, unless a later enacted statute,  
22 which becomes effective on or before January 1, 2007, deletes or  
23 extends the dates on which it becomes inoperative and is repealed.

24 ~~SEC. 34.~~

25 SEC. 39. This act is an urgency statute necessary for the  
26 immediate preservation of the public peace, health, or safety  
27 within the meaning of Article IV of the Constitution and shall go  
28 into immediate effect. The facts constituting the necessity are:

29 *To alter the necessary criteria for the requirement of certain*  
30 *reports regarding healing arts licentiates as soon as possible, to*  
31 *authorize the Medical Board of California to expend moneys for*  
32 *implementation of an impending peer review process and to ensure*  
33 *that the exemption from certain reporting requirements for*  
34 *participants in the pilot program for detection of potential quality*  
35 *problems go into effect before the implementation of the program,*  
36 *to extend the Court Reporters Board deadlines for reporting to the*  
37 *Legislature and for authorization to examine, evaluate, and*  
38 *investigate complaints prior to passage of those deadlines, to*  
39 enable the Occupational Therapy Board to properly administer the  
40 licensing law and protect the public from incompetent licensed



1 occupational therapists as soon as possible, and to extend by one  
2 year the Legislature's sunset review process over specified  
3 licensing agencies in order to immediately delay the  
4 commencement of the legislative review process, it is necessary  
5 that this act go into effect immediately.

O

